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New York

President:	Mr. Ma Zhaoxu	(China)
Members:	Bolivia (Plurinational State of)	Mr. Llorentty Soliz
	Côte d'Ivoire	Mr. Adom
	Equatorial Guinea	Mr. Ndong Mba
	Ethiopia	Mr. Abebe
	France	Mrs. Gasri
	Kazakhstan	Mr. Tumysh
	Kuwait	Mr. Alotaibi
	Netherlands	Mrs. Gregoire Van Haaren
	Peru	Mr. Meza-Cuadra
	Poland	Mr. Lewicki
	Russian Federation	Mr. Kuzmin
	Sweden	Ms. Schoulgin Nyoni
	United Kingdom of Great Britain and Northern Ireland	Mrs. Dickson
	United States of America	Mr. Cohen

Agenda

The situation in Libya

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The meeting was called to order at 10 a.m.

Expression of thanks to the outgoing President

The President (*spoke in Chinese*): As this is the first public meeting of the Security Council for the month of November, I should like to take this opportunity to pay sincere tribute, on behalf of the Council, to His Excellency Mr. Sacha Sergio Llorentty Soliz, Permanent Representative of the Plurinational State of Bolivia, for his service as President of the Council for the month of October. I am sure that I speak for all the members of the Council in expressing deep appreciation to Ambassador Llorentty Soliz and his delegation for the excellent diplomatic skill with which they conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President (*spoke in Chinese*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Prosecutor Bensouda.

Ms. Bensouda: At the outset, I would like to congratulate the People's Republic of China on assuming the presidency of the Security Council for the month of November. I wish you, Sir, every success in steering the essential work conducted by the Council.

I welcome the opportunity to engage with the Council once again in relation to the Libya situation and to provide updates regarding ongoing cases and investigations, outstanding warrants of arrest and cooperation with States, the organs of the United Nations and other organizations.

As members of the Council will recall, in June 2011 the Pre-Trial Chamber of the International Criminal Court (ICC) issued the first warrants of arrest in the situation in Libya. Over seven years later, Libya remains a high-priority situation for my Office. Three additional ICC warrants of arrest have been issued following applications brought by my Office during this period, and my team continues to make significant progress in investigations related to other alleged crimes in Libya. Since my last report (see S/PV.8250), we have also piloted new models of cooperation with interested States and organizations in relation to alleged crimes committed against migrants transiting through Libya. My Office hopes to replicate these models for cooperation in other situations before the Court and thereby further contribute to the fight against impunity.

I now turn to recent developments in the case against Mr. Saif Al-Islam Al-Qadhafi. As members of the Council are aware, in June 2011 the Pre-Trial Chamber of the Court issued a warrant of arrest against Mr. Al-Qadhafi for the crimes against humanity of murder and persecution. This warrant of arrest was issued in relation to Mr. Al-Qadhafi's contribution, as de facto Prime Minister of Libya, to a common plan to deter and quell, by any means, the demonstrations against the rule of Muammar Al-Qadhafi in 2011.

On 5 June earlier this year, Mr Gaddafi filed an admissibility challenge, submitting that his case is inadmissible before the ICC. Significantly, in his challenge, Mr. Al-Qadhafi states that on or around 12 April 2016, he was released from the custody of the Abu-Bakr Al-Siddiq Battalion in Zintan, pursuant to an amnesty law. Mr. Al-Qadhafi also argues that as a consequence of the domestic proceedings conducted against him in Libya, he cannot be tried at the ICC.

For the reasons set out in my written response to this admissibility challenge, which was filed on 28 September, I argued that Mr. Al-Qadhafi's case remains admissible before the Court. My sixteenth report, transmitted to the Council two weeks ago, briefly outlines my submissions. My Office maintains that Mr. Al-Qadhafi must be arrested and surrendered to the Court. This admissibility challenge is currently sub judice and the Pre-Trial Chamber will render a decision in due course. I will therefore not delve any deeper into the factual and legal arguments in relation to this specific matter.

Turning to our ongoing investigations, my Office continues to make considerable progress on the Libya situation. We continue to monitor criminal conduct carried out by members of armed groups in Libya whose alleged criminal acts could fall within the jurisdiction

of the Court. Armed groups use violence to exert control over State institutions, commit serious human rights violations, and abuse and exploit detainees in unregulated prisons and places of detention throughout the country. These armed groups represent a major threat to long-term peace and stability in Libya. We do not confine our investigations to any one group; we look at alleged Rome Statute crimes committed by actors across the territory of Libya. More information regarding the nature of these investigations cannot be divulged at the present due to the confidential nature of investigations. Based on the progress made, my Office hopes to be in a position to apply for new arrest warrants in connection with the Libya situation.

I also remain focused on the alleged Rome Statute crimes committed against migrants transiting through Libya. The journeys these people embark upon can quickly turn into true nightmare scenarios in which they become victims of the darkest side of human nature and they are preyed upon mercilessly and their vulnerabilities exploited with no regard for decency or the rule of law. My Office continues to receive evidence of serious crimes committed against migrants in Libya. These alleged crimes include killings, sexual violence, torture and enslavement. In line with my June 2014 policy paper on sexual and gender-based crimes, my Office integrates a gender perspective and analysis into these and all other investigations.

My Office recognizes that to effectively respond to these serious crimes, not only must they be addressed in Libya, but the criminal networks that facilitate such activities operating outside of Libya must also face justice. A multi-layered and multi-party strategy is therefore required to tackle the web of crimes that thrive in the context of migration through Libya. To that end, my Office continues to work collaboratively with various States, including Libya, as well as international law-enforcement organizations. Information on crimes committed against migrants in Libya and on the business model used to perpetuate these horrific crimes is gathered, shared and analysed. We engage in this coordinated effort in the spirit of complementarity and in line with goal 9 of my Office's strategic plan.

Pursuant to that cooperation model, efforts are being made to identify which entities are best placed to investigate or prosecute alleged crimes and determine what further support other partners can provide. The aim is to close the impunity gap at national, transnational and international levels and to hold accountable all those who commit those alleged crimes. I am pleased to inform the Council that the cooperation strategy is proving effective. My Office also continues to benefit from, and is grateful for, the excellent cooperation it receives from the United Nations Support Mission in Libya and the Libyan Prosecutor-General's Office.

As members are aware, within the Rome Statute system of international criminal justice, the arrest and surrender of ICC suspects remains one of the most challenging issues for my Office and the ICC as a whole. There can be no justice for the victims, and the aims of prevention and deterrence are hindered, unless ICC suspects are arrested and transferred to the Court to stand trial. Contrary to the urging of members of the Council, and despite concerted efforts by my Office and the Registry of the Court, not one suspect in the Libya situation has been surrendered to the ICC.

Mr. Al-Qadhafi is at large and, despite his self-claimed release from custody over two years ago, he has shown no intention of surrendering himself to the Court or to the competent authorities in Libya.

In relation to Mr. Al-Tuhamy Mohamed Khaled, former head of the Libyan Internal Security Agency, the Council will recall that, in April 2017, upon my request, the Pre-Trial Chamber made public a warrant originally issued under seal in April 2013. While under seal, the warrant remained unexecuted for more than four years, despite diligent efforts by the Registry and my Office. I hoped that unsealing the warrant of arrest could facilitate Mr. Al-Tuhamy's arrest and surrender to the Court. It is deeply regrettable that Mr. Al-Tuhamy remains at large.

Concerning the case of Mr. Mahmoud Mustafa Busayf Al-Werfalli, a commander in the Al-Saiqa Brigade operating in and around Benghazi, the Council will recall that, on 15 August 2017, the Pre-Trial Chamber of the Court issued an arrest warrant against him, having found reasonable grounds to believe that he is criminally responsible for seven execution incidents resulting in the murder of 33 individuals. Mr. Al-Werfalli is yet another ICC suspect not yet arrested and surrendered to the Court.

Furthermore, despite repeated claims by the Libyan National Army that Mr. Al-Werfalli had been arrested and is being investigated, he is alleged to have murdered an additional 10 people earlier this year, on 24 January, in Benghazi. I reacted by filing a second application under seal for a warrant of arrest for Mr. Al-Werfalli

in connection with that alleged execution. On 4 July, the Pre-Trial Chamber issued a second public warrant of arrest for Mr. Al-Werfalli for the alleged war crime of murder.

Mr. Al-Werfalli is alleged to have committed war crimes. He must be apprehended and surrendered to the Court to answer those serious charges. The Court's legal proceedings will afford him, as for every ICC suspect, all due process rights guaranteed under the Rome Statute.

Information obtained through our ongoing investigations indicates that Mr. Al-Qadhafi and Mr. Al-Werfalli are in Libya, while Mr. Al-Tuhamy is outside Libya. If ICC fugitives are permitted to remain at large, the mandate of the Court to hold those responsible for the most serious crimes of concern to the international community will continue to be frustrated and the Council's referral of the situation in Libya to the ICC will be rendered ineffective. My Office will continue to do its part pursuant to its obligations under the Rome Statute. The Council also bears a responsibility to support such work following its referral of the situation to the ICC. Moreover, States parties and non-States parties should take all the necessary steps to effect the arrest and surrender of those fugitives to the ICC. In the absence of effective accountability for atrocity crimes, impunity will continue to reign in Libya, causing greater suffering and instability.

Allow me to observe that I very much welcomed the convening of the first Arria Formula meeting on relations between the Council and the ICC, which was held in July on the eve of the twentieth anniversary of the adoption of the Rome Statute. Co-sponsored by the Kingdom of the Netherlands and other ICC State parties on the Council, the meeting provided a unique opportunity to reflect on the important relationship between my Office — and, more broadly, the Court — and the Council and to make proposals on ways to strengthen that relationship. I wish to reiterate my gratitude to all co-sponsoring States, the Council and all who contributed to those productive discussions.

The ICC seeks independent and impartial justice through individual criminal accountability for grave crimes that threaten the peace, security and well-being of the world, in an effort to end impunity and contribute to the prevention of such crimes. The primary responsibility of the Council is the maintenance of international peace and security. Our two institutions must therefore work together if we are to achieve our different, yet mutually reinforcing, mandates.

I conclude by expressing my appreciation for the continued support members of the Council offer in relation to the difficult but essential work my Office carries out in connection with the Libya situation. During my previous briefing, in May, many here today recognized the ICC's important work in tackling impunity for serious crimes of international concern and contributing to the maintenance of peace and security. A number of Council members offered their support and cooperation in relation to the arrest and surrender of individuals subject to ICC warrants of arrest. Those genuine expressions of support are very welcome. However, I respectfully submit that those words must be complemented by real action in support of the ICC.

Approximately twenty years have passed since the Rome Statute was adopted. I continue to believe that the creation of the ICC must surely be one of humankind's proudest moments. Yet we have much work to do, and tangible support by that Council is vital to the realization of the ICC's full potential to address impunity for the world's most serious crimes. I look forward to effective support and concrete action from the Council to ensure that our separate, yet interlinked, mandates can positively contribute to the cause of peace, stability and justice in Libya.

The President (*spoke in Chinese*): I thank Prosecutor Bensouda for her briefing.

I shall now give the floor to those members of the Council who wish to make statements.

Mrs. Dickson (United Kingdom): I would like to start by congratulating you, Mr. President, on China's assumption of the presidency of the Security Council for November. The United Kingdom wishes you very good luck for the month.

I would like to thank the Prosecutor of the International Criminal Court (ICC) for briefing the Council on her sixteenth report on the situation in Libya. The United Kingdom remains fully supportive of the ICC's work in Libya to tackle impunity and ensure that those responsible for the most serious crimes of international concern there are held accountable.

The Prosecutor's latest report highlights once again the troubling situation in Libya. The United Kingdom has been clear that the status quo is not a

sustainable option. The continued political divisions in Libya benefit no one except certain armed groups bent on criminality that have created an environment of lawlessness, intimidation and fear in which ordinary Libyans continue to suffer.

The increasing violence in and around Tripoli since August, and the ongoing sporadic violence that has continued since the ceasefire on 4 September, highlight this fact. Those innocent civilians, including many children, deserve better. There is an urgent need to break the political deadlock and bring peace to Libya. To that end, it is vital for all parties to engage in good faith with the United Nations-led political process and Special Representative of the Secretary-General Ghassan Salamé. We must ensure that all those committing human rights violations and abuses in Libya, including unlawful killings, do not evade justice.

The United Kingdom has strongly supported resolutions in the Human Rights Council on increasing accountability and calling for those committing acts in Libya amounting to war crimes or other breaches of international humanitarian law to be investigated and held accountable. We call on all parties to cooperate with the International Criminal Court (ICC), including through the execution of arrest warrants.

The United Kingdom is grateful for the Prosecutor's update in the cases of Al-Qadhafi, Al-Werfalli and Khaled, and notes that the Prosecutor's Office believes that Al-Werfalli is no longer under detention by the Libyan National Army and is currently at large in Libya. The United Kingdom will continue to work closely with other Member States, the Office of the Prosecutor and the Libyan Prosecutor-General's office in the investigation of the appalling reports of crimes against migrants, including those perpetrated by militia and armed groups in Libya and those involving international migrants transiting through Libya.

Those crimes allegedly include torture, killing, sexual violence and even the enslavement of migrants. We are deeply concerned that the number of migrants in detention centres has continued to rise, and the United Kingdom will continue to provide assistance to those who find themselves in such centres. In response to the heightened risk of trafficking and sexual and gender-based violence in Libya, we have also provided specific support to assist in the protection of women and girls. We acknowledge the importance of the Office of the Prosecutor integrating a gender perspective into its work, based on the policy paper on sexual and gender-based crimes.

The United Kingdom is a strong, principled supporter of the ICC. We will continue to provide our full support to the prosecutor and her team. It is crucial that Member States and relevant international organizations work to assist the Libyan authorities in their efforts to build the rule of law in Libya. We, along with our international partners, will continue to work with Libya to provide it with the support it needs to meet the challenges it faces.

Mr. Lewicki (Poland): As this is the first public meeting of the Security Council under new leadership, let me congratulate China on assuming the presidency of the Council for this month. We look forward to closely working with you, Mr. President, in the upcoming weeks and days.

Let me also take the opportunity to express our deepest appreciation for Ms. Bensouda and her team for their tireless efforts aimed at fighting impunity and ensuring accountability. As Ms. Bensouda has just said, there is a link betwen the work of the International Criminal Court (ICC) and the mission of the Security Council, which is the maintenance of international peace and security, as there is no peace without justice. So I once again thank Ms. Bensouda and assure her of Poland's continued support for her work.

I would like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, for presenting the sixteenth report of the Prosecutor of the ICC, pursuant to resolution 1970 (2011). The conclusion of the report reads in part as follows:

> "Accountability for crimes under the Rome Statute and full respect for the rule of law are integral to sustainable peace, stability and development in Libya ... The appalling cycle of violence, criminality and impunity cannot be allowed to continue for the sake of the Libyan people and the security and stability of the country and the region."

We very much agree with those statements and are grateful for the commitment of the Office of the Prosecutor to investigating allegations of serious criminal activity in Libya and to bringing justice to the victims of atrocity crimes committed there. Poland supports the call on all States, including those on the Council, non-State actors, international organizations

and other stakeholders to work together towards those goals. Such cooperation is vital in the light of the reported and ongoing violence and violations of international law, including international humanitarian law and human rights law, on the ground.

We are deeply disturbed and gravely concerned by the ongoing serious human rights violations and abuses. Those include the killing of civilians, including women and children, the repeated forced eviction and displacement of hundreds of families, and restriction of humanitarian access. Furthermore, the abduction and prolonged detention of persons without trial or other legal process, as well as crimes, including killings, sexual violence and the torture of migrants transiting through Libya, allegedly continue. We reiterate our call for an end to all atrocities in Libya and for full respect for international law, including international humanitarian law and human rights law.

Poland recognizes that a crucial step in combatting impunity for serious crimes in Libya is the arrest and surrender to the ICC of the individuals named in arrest warrants issued by the Court. We note that Libya remains under an obligation and has the primary responsibility in that respect. However, Poland also supports the call of the Office of the Prosecutor on all States to take all possible steps to execute the warrants and surrender those named therein to the ICC, where they will receive a fair, impartial and public hearing of the allegations against them. We also emphasize the need for cooperation with the Office on a wide range of other activities, which include, inter alia, the seizure of evidence, the interviewing of witnesses and the freezing of assets.

Poland appreciates such cooperation, including of the Office of the Prosecutor, with the United Nations Support Mission in Libya, the Committee established pursuant to resolution 1970 (2011) concerning Libya, the Libyan Prosecutor-General's office and several States, organizations and civil society groups. And we were very pleased to hear from Ms. Bensouda about her good cooperation with the Libyan Prosecutor-General's office, which it is very commendable and encouraging. It could, among other things, advance the investigative efforts, potentially deter further crimes and contribute to improving the situation in Libya and beyond. We encourage its further development and call on all parties to support the political process and work towards strengthening the rule of law and achieving peace in Libya.

Poland remains committed to cooperating fully with the Court and the Prosecutor, as requested in paragraph 5 of resolution 1970 (2011), referring the situation in Libya to the International Criminal Court. We reiterate the Security Council's call on all States and concerned regional and other international organizations to do the same in order to reinforce the pursuit of justice and contribute to the maintenance of the international peace and security because — let me reiterate — there is no peace without justice. That is why Poland is so pleased to continue supporting Ms. Bensouda's Office and was happy to co-sponsor the Arria Formula meeting on the link between the work of the ICC and the Security Council in July.

Mr. Cohen (United States of America): Allow me to congratulate China on assuming the presidency of the Security Council and to ensure you, Sir, of our support through the course of this month.

I also want to thank Prosecutor Bensouda for her briefing on her efforts, pursuant to resolution 1970 (2011), to bring to justice those responsible for atrocity crimes committed in Libya.

Seven years ago, in the face of the horrific atrocities being committed by the Muammar Al-Qadhafi regime, the Security Council unanimously referred the situation in Libya to the International Criminal Court. Today, much has changed in Libya, but it is still the case that Libyans are not free from violence, conflict or instability. Just last month, one of Libya's most vital economic institutions, the National Oil Corporation, was attacked by terrorists. In the past two months, over 100 people have been killed in clashes in and around Tripoli. Hundreds more have been wounded and thousands displaced — all due to the unacceptable actions of spoilers to Libya's political process.

The United States has strongly condemned the recent violence in Tripoli. The political process cannot proceed under the threat of violence and the Tripoli ceasefire must be respected. As we have said many times before in briefings on the situation in Libya, the human rights situation in that country is grave and the perpetrators of violence must face justice. Saif Al-Islam Al-Qadhafi and Al-Tuhamy Mohamed Khaled, the former head of the notorious Libyan Internal Security Agency, must be held to account for their crimes, including the murder and persecution of hundreds of civilians and the alleged torture of individuals perceived to have been enemies of the Al-Qadhafi regime. We also reiterate

our calls for the relevant Libyan authorities to ensure that Major Al-Werfalli is held accountable for alleged unlawful killings.

We repeat our warning that those who tamper with security in Tripoli or elsewhere in Libya will be held accountable for their actions. As I said before the Council in September (see S/PV.8341), a handful of political spoilers should not be permitted to thwart the process of achieving a more secure and stable Libya. The continuation of that type of fighting puts people across the country at risk of violence at the hands of criminals and of terrorists.

The United States remains deeply concerned about the vulnerability of migrants, refugees and asylum seekers in Libya, who are preyed upon by human smugglers and traffickers. Those responsible must be brought to justice. We encourage the Government of National Accord to continue efforts to hold such individuals accountable, including any complicit Government officials. We also welcome the Council's action in June to designate for sanctions six individuals involved in human trafficking and the smuggling of migrants in Libya. The United States is pleased to have implemented concurrent sanctions against those individuals who threaten the peace, security and stability of Libya. We further welcome the Council's unanimous adoption in October of resolution 2437 (2018), which authorizes Member States to continue to inspect and seize vessels involved in migrant trafficking and smuggling off the coast of Libya. The United States looks forward to continued collaboration with the Libyan authorities, fellow Security Council members and other allies to fight the scourge of human trafficking and smuggling and Libya and around the world. Let me repeat the words of Ambassador Haley — there is no place in our world for such abuses of human rights and human dignity.

In looking over the broad landscape of where Libya is today, much work remains to be done to create lasting and stable peace. It is appropriate in today's setting to emphasize the crucial role that accountability plays in achieving that goal. Terrorists, armed groups and criminal gangs must not be allowed to act with impunity. Those responsible for egregious abuses and atrocities must be held accountable, not only to bring victims a measure of justice, but also to signal to all future abusers that such crimes will not be tolerated.

The United States is committed to pursuing justice in Libya. We remain a steadfast partner of the Government of National Accord, the Security Council and our international partners in working toward that goal and towards a more peaceful and prosperous Libya.

In closing, I reiterate the concerns of the United States with regard to the activity of the Court with respect to the situations in Afghanistan and the West Bank and Gaza, including our objection to any investigations or other activity of the Court concerning United States or Israeli personnel.

Mrs. Gasri (France) (*spoke in French*): Mr. President, you can count on France's support for your presidency this month.

I thank Prosecutor Bensouda and her teams for their report and today's briefing. As this year marks the twentieth anniversary of the Rome Statute, France wishes to reaffirm its complete and full support for the International Criminal Court, as President Emmanuel Macron strongly reiterated during the general debate of the General Assembly (see A/73/PV.6). The Court must be able to act and exercise its prerogatives without hindrance, in an independent and impartial manner, within the framework the Rome Statute. In that regard, France reaffirms its support for the Prosecutor in the implementation of resolution 1970 (2011), which refers the situation in Libya to the International Criminal Court. That was our conviction then and it remains so today. Any lasting peace in Libya requires justice to be rendered to all the victims. The Court plays a crucial role in that regard.

Today, Libya is in a fragile and volatile situation, as demonstrated by the clashes between militias in Tripoli in late August and the attack on the oil crescent in June. Economic predation is jeopardizing the political process and the country's emergence from the crisis. The humanitarian situation is also worrying, in particular the situation of internally displaced persons, migrants and refugees.

In political terms, Libyans need prospects. The Libyan people want elections. The enthusiasm for voter registration and the initial successes of municipal elections have been unmistakable in that regard. In that context, our action must continue along two lines. The first, which must remain our priority, is the fight against all those who endanger the fragile political balances and exploit the situation to divert Libya's economic resources; and the second is full support for

the efforts of the United Nations Support Mission in Libya (UNSMIL) and the Special Representative of the Secretary-General for Libya, Mr. Ghassan Salamé, to advance the democratic transition in Libya. We commend the personal efforts of the Secretary-General and the valuable contribution of his Special Representative.

An agreement on the way forward was reached on 29 May in Paris by the key Libyan players. Compliance with the commitments made therein is essential to moving beyond the status quo, which only prolongs instability. The Palermo conference organized in Italy should make it possible to follow up on those commitments in the presence of Libyan stakeholders. It is essential that we support all such efforts and demonstrate real unity to encourage Libyans to maintain the course set by Special Representative Ghassan Salamé. We must impose sanctions against those who carry out attacks against Tripoli, as the Special Representative has asked us to do. Beyond those general observations, we would like to make three more specific remarks.

First, the ongoing investigations of the Office of the Prosecutor require the complete and full cooperation of all stakeholders. Cooperation with the Court by the Libyan authorities is essential in that regard. It is crucial to consolidate the collaboration of all the States concerned, whether or not they are parties to the Rome Statute, in order to provide the long-term support that the Prosecutor needs. As the Prosecutor mentions in her report, that cooperation can take place through various means, such as the seizure of evidence, the freezing of certain assets and, of course, the arrest and surrender of fugitives. I would also like to express my delegation's appreciation for the support and cooperation provided by UNSMIL and the Libyan Prosecutor General to the Office of the Prosecutor.

Secondly, with regard to the elements of the report relating to ongoing investigations, France deplores the failure to date to execute the arrest warrants issued by the Court. It is important that those arrest warrants be executed. Let me reiterate the importance of ensuring that all the most serious crimes committed in Libya since 2011 and those that continue to be committed today, including crimes committed by Da'esh, can be investigated and prosecuted.

Thirdly, and this will be my final point, we welcome the attention paid by the Prosecutor with regard to the trafficking of human beings and the smuggling of migrants, which constitute a direct threat to peace and stability in Libya. We welcome the rigorous approach adopted by the Office of the Prosecutor. We hope that it will make it possible to effectively combat impunity for crimes committed against migrants. The Security Council has repeatedly reiterated the importance of prosecuting and trying the perpetrators of such acts. The Council must also assume its responsibility by imposing, under the existing United Nations regime, individual sanctions against those responsible for the trafficking of human beings and the smuggling of migrants. France will continue to actively engage with its partners in that direction.

To conclude, the situation in Libya once again highlights a vicious circle of impunity and instability. That reality requires us to provide answers to the challenges facing the Libyan people and authorities. Those challenges must be addressed through efficient cooperation with the Court and with the support of the Security Council.

Mr. Adom (Côte d'Ivoire) (*spoke in French*): First of all, my delegation would like to congratulate China on its assumption of the presidency of the Security Council for the month of November and assure it of our full support in carrying out its duties. We also congratulate Bolivia on the high quality of its presidency last month.

My country thanks the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her very informative briefing on the Court's work on cases related to the situation in Libya. As a State party to the Rome Statute, Côte d'Ivoire reaffirms its full support for the efforts of the International Criminal Court to promote international justice and combat impunity in Libya, as well as around the world.

My delegation is concerned about the deteriorating security situation in Libya, after more than seven years of crisis. Since 26 August, those living in Tripoli have been the innocent victims of fighting that has resumed between militias and armed groups. The ceasefire reached on 4 September is a glimmer of hope that must be preserved. To that end, Côte d'Ivoire urges the international community to work to consolidate the current truce and create the conditions to avoid a resumption of clashes among armed factions.

Despite an unstable security situation, Côte d'Ivoire welcomes the actions of the Libyan Government of National Accord, which is resolute in its commitment to the process leading to the organization of free, transparent and credible elections. Those elections

will undoubtedly be an important step in building the rule of law, as well as restoring peace and lasting stability in Libya. I would like to commend the Special Representative of the Secretary-General for Libya, Mr. Ghassan Salamé, for his efforts and reassure him of our full support.

Côte d'Ivoire remains firmly committed to respect for human rights and the principle of accountability. We firmly believes that the fight against impunity is a basic requirement of the national reconciliation process. In that regard, my delegation reiterates its appreciation for the efforts of the Office of the Prosecutor to meet the demand for justice, without which there can be no lasting peace and stability in Libya. We also strongly encourage the Prosecutor and her Office and commend the high-quality work of the International Criminal Court over the past 20 years in the area of combating impunity.

My country also welcomes the Prosecutor's decision to consider the possibility of extending the ICC's jurisdiction to crimes committed against migrants. That decision is justified in the light of known cases of torture, rape and the sale of migrants, which challenge our collective conscience. To that end, Côte d'Ivoire urges the Libyan authorities to engage in constructive cooperation with the Office of the Prosecutor in order to shed light on allegations of serious human rights violations in Libya. We urge them to allow those accused of serious crimes to be tried by the ICC.

Notwithstanding the efforts of the Government of National Accord to restore its authority throughout Libya, its unstable security situation and weak institutional capacity have a negative impact on the establishment of institutions that guarantee the rule of law and compliance with obligations under the Rome Statute. The difficulties encountered by the Prosecutor in executing various arrest warrants are symptomatic of the complexity of the political and security environment in Libya.

My country therefore calls on the international community to continue its multifaceted support for the Government of Libya to enable it to fulfil its commitments to promote and protect human rights and establish accountability mechanisms against individuals or armed groups convicted of serious human rights violations.

In conclusion, my country reiterates its support for the Prosecutor of the International Criminal Court and calls on the international community to support the efforts of the Government of National Accord to restore peace and stability in Libya.

Mr. Meza-Cuadra (Peru) (*spoke in Spanish*): First of all, allow me to congratulate you, Sir, on China's assumption of the presidency of the Security Council and reiterate our delegation's support and cooperation in ensuring success in your important functions. I also take this opportunity to thank the delegation of Bolivia and Ambassador Llorentty Soliz and his team for the considerable results obtained last month. We welcome today's meeting and the important briefing made by Prosecutor Fatou Bensouda. We would also like to assure her of our full support for the challenging work her team conducts in Libya.

Peru is deeply concerned about the grave situation, violence and human rights violations in Libya, despite the United Nations-sponsored ceasefire. We lament the precarious situation of tens of thousands of internally displaced persons and demand that the numerous allegations of atrocity crimes be investigated. We believe that it is of paramount importance that the Council, which is responsible for maintaining international peace and security, continue to refer to the International Criminal Court situations in which access to justice and accountability must be guaranteed. It is clear that the Court's work is complex and requires the full cooperation of all States, including local authorities. Therefore, in addition to recognizing the efforts of the Libyan Prosecutor-General's Office, we must remind Libyan authorities of their legal obligation to execute arrest warrants issued by the Court.

We also believe that, while the work of the International Criminal Court is crucial to preventing the most serious crimes from going unpunished, its jurisdiction complements each State's responsibility to protect its population. That includes the obligation to investigate, prosecute and punish those responsible for atrocities. In that sense, in addition to it being an obligation, authorities cooperating with the Court must be understood as an opportunity to strengthen justice and the rule of law in domestic and international spheres. That means promoting greater trust in jurisdictional institutions and effective deterrence.

That is particularly relevant for a country such as Libya affected by conflict and terrorism perpetrated by entities such as Da'esh and its affiliates, including Boko Haram, which control areas of Libyan territory

and might be involved in the trafficking of migrants. We therefore encourage the Office of the Prosecutor to assess such situations and their possible links with ongoing proceedings. In that connection, we also believe that it is necessary to make further progress in the implementation of the action plan for the resumption of an inclusive Libyan-owned political process under the facilitation and leadership of the United Nations.

We would therefore like to highlight the work of the Special Representative of the Secretary-General and that of the United Nations Support Mission in Libya (UNSMIL). Right now, that means ending the violence, which has recently escalated in Tripoli and must be denounced and countered, and working on concrete measures to effectively protect the population, in particular civilians, and address terrorism in all its forms and manifestations. We believe that that should be the focus of dialogue among the main leaders and political factions, as has been the case with the good offices of UNSMIL throughout the process. Good faith and the spirit of understanding and respect for international law and international humanitarian law must prevail among the parties.

Mr. Tumysh (Kazakhstan): As this is the first open meeting of the Security Council under your leadership, Sir, I wholeheartedly wish the Chinese presidency every success in its endeavours this month, as it holds this important international position, and assure you of our full support.

We would like to thank the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, for her important briefing. We take note of the Prosecutor's sixteenth report and update on the activities regarding the situation in Libya, which, unfortunately, are not very encouraging.

Ongoing political instability, a fragile security situation and a breakdown in the rule of law continue to create a breeding ground for growing impunity on the part of armed militias and terrorist groups. In that regard, we would like to appeal to all States to recognize that terrorism poses a threat to the peace and security of that country and other countries and also has a negative impact on sustainable development and the humanitarian sphere. Nonetheless, widespread violations of human rights continue to be committed against civilians and vulnerable populations. Thousands of migrants and refugees in Libya are suffering abuses and detention under inhuman conditions.

Kazakhstan reiterates its position that an effective and credible Government is crucial to reinforcing Libya's commitment to restoring and promoting the rule of law, as well as its capacity in that regard, addressing impunity, protecting basic human rights and providing justice for past violations. To that end, the international community's support to Libya remains vital to restoring stability and security throughout the country. Such stability and security require the unification and rebuilding of all national institutions, including political authorities and the security and defence forces. The United Nations has a key role to play in that process, and we reiterate our support to Special Representative of the Secretary-General Salamé.

Mr. Alotaibi (Kuwait) (*spoke in Arabic*): We congratulate you, Mr. President, on assuming the presidency of the Security Council for this month and we wish you every success in carrying out the Council's work. We also thank our colleague the Permanent Representative of Bolivia and the Bolivian delegation for wisely conducting the work of the Council last month. I want as well to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her valuable briefing on the sixteenth report of the ICC submitted to the Security Council in accordance with resolution 1970 (2011).

Once again, the State of Kuwait welcomes the efforts of the ICC to administer justice and combat impunity in line with international law. We commend the progress achieved by the Prosecutor's Office, in spite of the tremendous challenges it is facing in shouldering its responsibility, namely, pursuing and bringing to justice the perpetrators of crimes and violations, especially in the light of the current sensitive and difficult security situation in Libya, including the proliferation of arms and armed militias and the increasing presence of terrorist groups.

We share Ms. Bensouda's concern about the recent escalation of armed clashes in the Libyan capital Tripoli, which have claimed the lives of many victims. In that regard, we cannot but to commend the significant role of the United Nations Support Mission in Libya (UNSMIL) represented by Mr. Ghassan Salamé, Special Representative of the Secretary-General and Head of UNSMIL, in reaching a ceasefire agreement. That had a tangible impact on preventing a further deterioration of the security situation.

We also express our concern about the reported serious violations against migrants and detention centres, including killing and torture. That is a blatant violation of international humanitarian law. Once again, we condemn those practices in the strongest terms.

There is no doubt that Libyan authorities have the primary responsibility for administering justice throughout Libyan territories by exercising their jurisdiction and sovereignty. According to article 1 of the Rome Statute, the ICC is complementary to national criminal jurisdictions in cases being addressed in Libyan courts. The ICC will complement the Libyan national criminal jurisdiction.

The State of Kuwait is aware that Libya is facing tremendous security challenges that affect the ability of court experts to conduct the necessary investigations. However, we commend the significant cooperation by Libyan authorities with the ICC and the Prosecutor in line with resolution 2174 (2014).

We welcome the cooperation by a great number of States and international, regional and civil society organizations, as well as the support provided by UNSMIL to the Prosecutor's Office. That will improve the effectiveness of the Office in carrying out investigations, and thereby help it fulfil its mandate.

We call upon the international community to continue supporting the Libyan Government in its efforts to establish a comprehensive strategy to combat crimes and flagrant violations of international humanitarian law. The international community must provide it with the necessary help so that the Libyan Government can administer justice and promote the rule of law, and thereby contribute to the implementation of the relevant Security Council resolutions.

In conclusion, we reiterate our appreciation for the important work of Prosecutor Bensouda and her team in implementing her mandate, namely, investigating serious crimes committed in Libya.

Mr. Llorentty Solíz (Plurinational State of Bolivia) (*spoke in Spanish*): I would like to join the rest of my colleagues in congratulating you, Mr. President, and your delegation on your assumption of the presidency of the Security Council. I wish you every success and reiterate the full support of my entire delegation to ensure to that end. I would also like to thank all members of the Security Council for their cooperation last month. We thank the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, for her report, and we express to her and to her entire team our firm support in their important work.

At the end of its first 15 years of existence and 20 years after the signing of the Rome Statute, the International Criminal Court has demonstrated its capacity to resolve complex cases in sensitive scenarios. Therefore, without prejudice to our observations on the progress in the cases that we are considering today, we express our appreciation for the work that the International Criminal Court has been carrying out since 2011 in compliance with the referral made through resolution 1970 (2011).

In that regard, so that the Court is able to fulfil its mandate and avoid impunity, it is crucial that the competent authorities in Libya, the countries of the region, regional organizations and the international community in general make every effort to cooperate. We reiterate that all States, regardless of whether or not they are party to the Rome Statute, are primarily responsible for taking action and helping to facilitate the work of the Court.

We take due note of the report presented and of the activities conducted by the Office of the Prosecutor during the reporting period. We express our grave concern about the incidents and irregularities surrounding the case of Mr. Al-Werfalli, who is now the subject of two arrest warrants issued by the International Criminal Court, on 15 August 2017 and 4 July 2018, respectively, on charges related to the summary execution of at least 43 people in the city of Benghazi. We note that, according to reports of the Libyan National Army, Mr. Al-Werfalli is said to have been arrested and subjected to an investigation by a military prosecutor. However, the Prosecutor's report states that Mr. Al-Werfalli is alleged to be at large and serving as a member of the Libyan National Army.

Furthermore, we note with great concern that, although arrest warrants remain in force, they have not been fulfilled. In that regard, we reiterate the urgent need for all pending arrest warrants to be executed so that the Court is able to comply with its mandate and carry out its work effectively. It is precisely in these scenarios that the idea of universal criminal justice becomes relevant and the need to ensure the universality of the Rome Statute becomes apparent.

Moreover, the intensification of violence, extrajudicial executions, killings, kidnappings, arbitrary detentions

and armed clashes described in the Prosecutor's report bear witness to the sensitive situation that the Libyan people continue to experience. That is even more so given that, since the beginning of the year, there have been more than 400 deaths from crossfire, bombing and the detonation of improvised explosive devices, which have also led to the displacement of approximately 3,600 people from the areas in which clashes have intensified. We are also deeply concerned about repeated reports of violations of the rights of migrants who are subject to rape, torture, degrading and humiliating treatment, denial of medical assistance and arbitrary detention. As has been rightly noted, that is a complex situation that requires a multidimensional strategic approach to cooperating with the Libyan State.

We are certain that the investigations regarding those violations carried out by the Office of the Prosecutor in the context of the principle of complementarity will not only help to identify the perpetrators but, if they constitute crimes against humanity, activate the Court's jurisdiction for their trial. In order to achieve that goal, my delegation highlights and praises the collaboration and constant assistance that the United Nations Support Mission in Libya provides to the Office of the Prosecutor. We take this opportunity to encourage them to continue cooperating so effectively.

In addition to receiving periodic reports on the cases I mentioned, financial contingencies must also be guaranteed to ensure their continuity and effectiveness. The Organization and the membership in general should appreciate the costs incurred by the International Criminal Court to sustain the investigations and trials within its jurisdiction, especially when we notice that several States — including members of the Council — are still not party to the Statute and do not contribute to the investigations. To that end, we recommend that the Office of the Prosecutor include in its next semi-annual report a list of the costs borne by the International Criminal Court — and its Office in particular — to conduct its activities in Libya.

The International Criminal Court is a global undertaking of interest to all States. Its mission is intrinsic to the strengthening of international criminal justice, peace and security, respect for human rights and guarantees of due process. In that understanding, as we celebrate the twentieth anniversary of the Rome Statute this year, we take the opportunity to reflect on the effectiveness of the Court and whether the model conceived covers our expectations with regard to cooperation and universality. That aim is to reinforce and improve the capacities and organization of the Court in order to strengthen accountability and international justice at a time when the responsibility of all States to comply with their obligations under international law specifically, as well as international humanitarian law, are being called into question.

Finally, my delegation reiterates its concern about the public complaints regarding the actions of former authorities of the Office of the Prosecutor of the International Criminal Court that are specifically related to the investigations under way in Libya. With that in mind, and in view of the integrity and transparency that are paramount for international tribunals, we consider it appropriate for the Office of the Prosecutor to give a public accounting of the scope and veracity of those statements in its next report, given that the integrity of the Court is essential to guarantee its credibility and effectiveness before the international community.

Ms. Schoulgin Nyoni (Sweden): Let me join others in congratulating you, Mr. President, on your assumption of the presidency and, of course, assure you of Sweden's full support during this month. I also take this opportunity to thank Bolivia for a successful presidency last month. We thank the Prosecutor of the International Criminal Court (ICC) for being with us again and for her informative briefing to the Security Council today.

The International Criminal Court plays an indispensable role in the pursuit of international justice and accountability. At a time when the Court, as well as the rules-based international order itself, are under increased pressure, renewed support for the ICC is crucial. We must all respect the integrity of the ICC; not doing so undermines our commitment to ending impunity for atrocity crimes. It is also worth recalling that the ICC is a Court of last resort under the principle of complementarity: it acts only when national judiciaries are unable or unwilling to investigate and prosecute serious international crimes. Therefore, the Council must take timely and effective measures to enable the Court to carry out its mandate. That is particularly true for the situation in Libya, where suspects remain at large despite arrest warrants issued against them.

We are gravely concerned about the recent reports of escalating violence and civilian casualties around Tripoli and Derna. The forced eviction of the Tawergha population and the abductions of military, civil society,

political and foreign targets are deeply worrisome as well. In addition, the treatment of international migrants in transit, including reports of killings, sexual violence and torture committed in detention centres, is particularly concerning. Violations of international humanitarian law and violations and abuses of human rights must be investigated and those responsible brought to justice.

We reiterate yet again our strong support for the Office of the Prosecutor and commend its steadfast commitment to bringing justice to victims of serious international crimes in Libya. Despite the continued volatility of the security situation on the ground, the Office of the Prosecutor has continued to pursue its important task with great determination. We are pleased to see the inclusion of the gender perspective in the report, in line with the Office's June 2014 policy paper on sexual and gender-based crimes.

We also greatly appreciate the support that the United Nations Support Mission in Libya, Special Representative of the Secretary-General Ghassan Salamé and the Libyan Prosecutor-General's Office have provided. The efforts of international and regional organizations, including civil society, are also very important. We are grateful for their unwavering commitment to serve and support the justice sector in Libya, despite the harsh circumstances.

We regret that seven years have passed since the arrest warrant against Saif Al-Islam Al-Qadhafi was issued, and yet he remains at large. We also regret that the arrest warrants against Al-Werfalli and Al-Tuhamy likewise remain outstanding since our previous briefing on this matter in May (see S/PV.8250). The reports of executions carried out by Al-Werfalli on multiple occasions, possibly amounting to war crimes, are deeply disturbing.

We support the Prosecutor's call on Libya to cooperate with the Office of the Prosecutor and immediately arrest and surrender all the suspects to the Court. We stress that cooperation with the Libyan Prosecutor-General's Office, Libyan authorities, State parties, other United Nations States Members and other relevant entities is crucial to assist the Office of the Prosecutor in fulfilling its mandate.

The ICC referral is an essential part of the Council's broader measures in relation to Libya, including sanctions. The Security Council Committee established pursuant to resolution 1970 (2011), concerning Libya, and its Chair are currently on a mission to Libya and we will receive this mission's input to the Council next week. It is important that the Council address the situation comprehensively. Accountability and strengthening the rule of law, in which the ICC plays an important role, is an essential component of the Council's broader efforts towards peace and stability in Libya. Cooperation with the ICC therefore deserves the Council's full support.

Finally, I would also like to take this opportunity to reiterate Sweden's sincere appreciation to the Court and its officials in all organs. Their work continues to make a significant contribution to accountability for perpetrators and justice for victims of serious crimes of international concern. We also extend our gratitude to the Kingdom of the Netherlands in its capacity as host nation of the Court.

Mrs. Gregoire Van Haaren (Netherlands): Allow me to start by thanking Bolivia for its stewardship of the Security Council during the month of October. I wish you, Mr. President, and your team all the best for the month of November; you can count on the support of the entire Dutch delegation.

On behalf of the Kingdom of the Netherlands, I would like to express my sincere thanks to the Prosecutor, Ms. Fatou Bensouda, for her sixteenth report and comprehensive briefing on the situation in Libya. The Kingdom of the Netherlands remains a firm supporter of the International Criminal Court (ICC). Please allow me to focus on three important aspects: the Rome Statute system, international cooperation and accountability.

As noted by others, this year marks the twentieth anniversary of the Rome Statute. Not only did we establish the first permanent International Criminal Court 20 years ago, we introduced the Rome Statute system. States parties have taken on the responsibility to end impunity and prosecute international crimes at the national level. Only when States were unable, or unwilling, would the ICC come into play.

The Council acted unanimously in 2011 in referring the situation in Libya to the ICC so as to ensure accountability for the most serious crimes. We commend Prosecutor Bensouda for her unwavering commitment to bringing justice to the victims of atrocities in Libya since 2011.

Even today, the volatile security and human rights situation in Libya is extremely worrisome. Civilians continue to bear the brunt of the fighting and the ongoing conflict. The situation of internally displaced persons and migrants is a particular cause for concern. The Prosecutor is often the only hope that the victims have for ensuring accountability for the crimes committed. But she cannot do it alone.

That brings me to my second point, which is on international cooperation. The full cooperation and assistance of the Council's member States is essential for the Office of the Prosecutor to fulfil its mandate. We welcome the successful cooperation between the Libyan Prosecutor-General's Office and the Office of the Prosecutor, and we urge all States, including the Libyan authorities, to cooperate with the Court and to arrest and surrender all those against whom an arrest warrant has been issued. We also encourage the Libyan authorities to ensure that the domestic case against Abdullah Al-Senussi continues without undue delay. In that regard, we applaud the statement of the representative of Libya on Monday in the General Assembly (see A/73/PV.27) in which he said that Libya is committed to the fight against impunity.

However, because of the security situation, justice at the national level is often delayed. Until the Libyan authorities can prosecute all international crimes at the national level, the ICC must ensure accountability for the international crimes committed in Libya. That was the mandate that the Council entrusted to the ICC many years ago, and that the Council must help the ICC to achieve. I hear criticisms that the investigation is not advancing quickly enough. But when the Council makes referrals, we should continue to work together to follow up on their implementation and should help the ICC to achieve its goals.

With regard to my third point, which is about accountability, we welcome the ICC's efforts to investigate whether crimes against migrants fall within its jurisdiction, and we are keen to see progress in that area. We deeply regret that Mr. Al-Werfalli and other suspects have not been arrested and brought to The Hague, especially considering the recent murders that Mr. Al-Werfalli has allegedly committed, showing that a lack of accountability encourages the repetition of crimes. Without fear of punishment, perpetrators will feel free to commit further offences. We find it even more alarming that Mr. Al-Werfalli was reportedly released after just one day in custody. The fact that he remains at large constitutes complete disregard of the Council and the international community as a whole.

The Kingdom of the Netherlands stands firmly by Prosecutor Bensouda in her fight, and ours, against impunity. But only if we are all fully committed to that goal can we make accountability a reality in Libya and around the world.

Mr. Ndong Mba (Equatorial Guinea) (*spoke in Spanish*): Let me join others in congratulating you, Mr. President, on the assumption of the presidency of the Council by the People's Republic of China. We wish you every success and pledge you our full support. My delegation would like to once again thank and commend Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her courageous work and for her sixteenth report, which she has just done an excellent job of presenting to us today.

Focusing on the issue before us, we must recognize that it is not easy to tackle issues as complex as those we are dealing with today, especially given the current situation in Libya, a country that is going through terrible times on the political, economic and social fronts and where, as everyone knows, the security situation continues to be highly volatile, owing to the prominence and influence of the dozens of militias and armed groups that in practice are in control of much of the country. We consider that to be one of the main obstacles to carrying out an investigation aimed at clarifying specific facts in any field, as is currently the case with the Office of the Prosecutor. That demonstrates the gravity of the current situation and the existing limitations, both those that I have mentioned and for the Libyan Government, which we encourage to continue collaborating to the extent possible with the Office of the Prosecutor, despite those limitations.

While taking all of this into consideration, we believe that the problem is bigger than that. The prevailing impunity and the large number of grave violations of international law and of serious multidimensional crimes, as Prosecutor Bensouda just informed us — such as murder, sexual violence, human trafficking, torture of immigrants and extortion of every kind — continue to be a source of concern. That is why it may be necessary to try a new strategy and focus efforts on determining how to reduce the presence and influence of armed groups and militias in this process within an appropriate legal framework, including measures to support and cooperate with the

Libyan Government in the prosecution of the most serious crimes and to ensure the most effective and robust accountability possible, without forgetting that those measures must be impartial and applied equally, regardless of who commits the crime.

To that end, it is essential to maintain strict, objective and transparent cooperation between States and international organizations, the International Criminal Court and the Council, with a view to seeking real solutions that will help put an end to this type of situation, while putting aside any unilateral interests or actions. All of that must be done within a framework of respect for Libya's sovereignty and integrity, as well as for its laws, internal rules and customs, which in turn must ensure justice within a framework of respect for human rights and international law. In that context, based on our assessment and Prosecutor Bensouda's report, it is clear that the country's judicial institutions feel unable to detain and prosecute Mr. Saif Al-Islam Al-Qadhafi, Mr. Abdullah Al-Senussi and Mr. Mahmoud Mustafa Busayf Al-Werfalli, among others. The International Criminal Court must therefore work closely with the Libyan Government in order to facilitate the Prosecutor's work. It must also continue to make efforts to establish mechanisms that will restore peace and stability in Libya. In that regard, we welcome the recent extension of the mandate of the United Nations Support Mission in Libya.

In conclusion, Equatorial Guinea believes that in the light of the difficulties the Prosecutor's Office faces in carrying out its investigations, all that we can do is fully support its efforts, its wide range of activities and its requests for effective cooperation. That is why we ask the Council to take its recommendations into account and to take action accordingly.

Once again, I wish Prosecutor Bensouda every success in the mission entrusted to her and courage in her complex and dedicated work in the context of the tangled conflict in which Libya is mired.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): I would like to congratulate you, Mr. President, on your presidency for this month and assure you that you will always have the Russian Federation's full support and assistance. I would also like to congratulate Bolivia on its successful conclusion of the presidency of the Council for the month of October.

I would first like to say a few words about the situation in Libya in general. Sadly, there are no signs that it is improving. The country is divided into spheres of influence. The international community should focus its efforts on uniting it. Unfortunately, various external actors continue to place their own interests in Libya above the goal of a political settlement.

We take note of the sixteenth report of the Prosecutor of the International Criminal Court (ICC) on the investigation of the Libya dossier, although unfortunately we have seen no information in it about the investigation itself — that is, about the progress of the investigation. We have repeatedly brought up the ICC's selective approach to this issue, and the report is yet another confirmation of that. For example, the report mentions the recent escalation of violence in Tripoli, in which civilians died, yet it simply records the fact that it happened. Not a single armed group is named as responsible for this dangerous outbreak of hostilities. For some reason the Prosecutor was not interested in investigating the incident in which terrorists blew up two cars near a crowded mosque either. And each successive report dwells on the reports of the activity of the Libyan National Army in Derna.

Of course, the interest in aspects of the migration issue in the context of the situation in Libya is understandable. But there is something one-sided about the ICC's view of these problems. We would like to point out that it is criminal organizations, firmly based in migrants' countries of destination and chiefly in Europe, that are getting rich off the illegal business of transporting those migrants, while that key aspect is missing from the Prosecutor's report for some reason.

In paragraph 25 of the report, which we read carefully, we did note one sensible assessment, which is that the Council's referral of the situation in Libya to the ICC may not prove successful. In that connection — and we spoke about this at the previous meeting (see S/PV.8250) — our delegation is fully resolved to provide members with every assistance in ensuring that the Council does not repeat this unfortunate experiment. In principle, therefore, given the Court's noticeably shaky reputation in the eyes of many States Members of the United Nations, attested to by the debate in the General Assembly on 29 October (see A/73/PV.27) — and as my colleague from the Netherlands correctly remarked when she said that the investigations "are not quick enough", we believe that we can and should consider changing the frequency of the ICC's briefings to the Council.

Mr. Abebe (Ethiopia): Let me join other delegations in congratulating you, Mr. President, on your assumption of the presidency of the Council for this month, and assuring you of our full support. We also express our profound appreciation to the delegation of Bolivia for its able leadership of the work of the Council in October. We thank Ms. Fatou Bensouda, the Prosecutor of the International Criminal Court, for her report and briefing to the Security Council pursuant to resolution 1970 (2011).

We remain extremely concerned about the grave violations of human rights committed by all parties to the conflict in Libya. The continued violence perpetrated by armed groups and terrorists is seriously threatening the country's stability and security. Abductions, torture, displacement, the killing and injuring of civilians, arbitrary detention and human trafficking continue unabated. Criminality is increasing and the level of lawlessness engulfing the country is deeply troubling. As pointed out in the statement issued yesterday by the United Nations Support Mission in Libya, the use of force and intimidation against private and public institutions is also alarming.

Unfortunately, it is the Libyan people, particularly their most vulnerable groups, such as women, children, migrants and refugees, who are suffering enormously in the ongoing crisis. The current dangerous and uncertain situation must be addressed as a matter of urgency. That is why we fully concur with the view of Mr. Ghassan Salamé, the Special Representative of the Secretary-General for Libya, who has underscored on a number of occasions, including in his most recent briefing of the Council (see S/PV.8341), that the status quo in Libya is untenable.

We condemn all attacks on civilians and civilian infrastructure, including the recent attacks in southern and central Libya. All who continue to commit such violations must be held accountable. It is vital to fight the widespread sense of impunity in Libya through the appropriate legal mechanisms, while respecting the country's sovereignty and territorial integrity. We strongly believe that ensuring the protection of civilians and civilian infrastructure should be the primary responsibility of all the parties in Libya. In that regard, the international community should continue to support building and enhancing the capacity of Libyan State institutions, particularly its judiciary and law-enforcement bodies, in order to ensure the rule of law. The international community should also provide support anchored in a long-term and coordinated strategy for building State institutions, in order to foster an environment of security and stability.

The continued and widespread violations of human rights cannot be sustainably halted until all Libyan political actors find a lasting political solution to the protracted crisis. Unifying State institutions also remains extremely critical. In that regard, all Libyan actors must be urged to work constructively towards concrete progress in addressing the impediments to the full implementation of the United Nations action plan.

In conclusion, I want to reiterate our position that only a Libyan-led and -owned comprehensive political dialogue, facilitated by the United Nations, can bring about a credible and successful transition in Libya. We continue to support the diplomatic endeavours of Special Representative Salamé to implement the United Nations action plan. In that regard, all Libyan actors should engage constructively with him. The Council should also continue to support his efforts.

The President (*spoke in Chinese*): I shall now make a statement in my capacity as the representative of China.

First of all, I thank Ms. Fatou Bensouda for her briefing today.

China is very concerned about the evolving situation in Libya. We support all efforts that are conducive to stabilizing the situation in Libya, promoting a political settlement of the Libyan issue and combating terrorism. We support the United Nations in continuing to implement the related action plan by intensifying its mediation efforts. China firmly supports the Libyan people in safeguarding their national unity and State integrity. We hope that all the parties in Libya will adhere to a process for a political settlement that is led and owned by the Libyans themselves, and work to settle their differences through inclusive dialogue and negotiations, building mutual trust, finding a solution that accommodates the interests of all parties, pushing for national reconciliation and restoring State governance, with a view to achieving peace, stability and development in Libya as soon as possible. The international community should respect Libya's independence, unity, sovereignty and territorial integrity, and should continue its support and assistance to Libya.

China's position on the International Criminal Court remains unchanged.

I now resume my functions as President of the Council.

I give the floor to the representative of Libya.

Mr. Fares (Libya) (*spoke in Arabic*): First and foremost, I would like to congratulate you, Mr. President, on your assumption of the presidency of the Security Council for the month of November. I am also pleased to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, for her briefing.

We are here today to focus on a single objective, which is combating impunity. The Rome Statute established a regime between our national and international legal systems designed to prosecute the perpetrators of the most serious crimes — war crimes and crimes against humanity. In that spirit, the principle of complementarity was established between the International Criminal Court and national legal systems, meaning that at this stage, although Libya is not party to the Rome Statute, the Court complements our national criminal judiciary in order to ensure justice. At the same time, we also underscore the principle of Libya's State sovereignty with regard to the application of its local laws for crimes committed within its territory.

We are fully aware that there is some delay in the pursuit and prosecution of suspects. However, we want to emphasize that the delay is not the result of any unwillingness on the part of the national judiciary to prosecute and punish the perpetrators of the crimes in question, but is rather due to the security conditions that Libya is dealing with and that all countries that have experienced conflict are familiar with. Our national judiciary has actually prosecuted many of the accused, and the various verdicts have led to the conviction and punishment of some and the acquittal of others.

In that regard, we want to stress that in order for our national judiciary to meet its obligations with regard to achieving justice and promoting the rule of law, we need the international community's serious support in helping the Libyan authorities to end our country's current security crisis, in conjunction with the efforts being made to unify our institutions and ultimately enable the political process to succeed. That can be done, first, by providing the national institutions responsible for applying the law with the support they need so that they can play their full role in strengthening security and stability; secondly, by eradicating the various factors and conditions that result in crimes and violations; thirdly, by confiscating the tools that are used to commit those crimes, especially weapons; and fourthly, by eliminating terrorist and all other outlaw groups.

In conclusion, we reaffirm that the Libyan authorities are committed and eager to punish the perpetrators of crimes and combat impunity, while applying legal rules that reflect the rule of law. The Libyan judiciary is independent, impartial and capable of carrying out criminal and social justice in order to ensure the rights of victims and end impunity.

The meeting rose at 11.35 a.m.